

1 DENNIS J. HERRERA, State Bar #139669  
 2 City Attorney  
 2 JOANNE HOEPER, State Bar #114961  
 3 Chief Trial Deputy  
 3 RONALD P. FLYNN, State Bar #184186  
 4 Deputy City Attorney  
 4 Fox Plaza  
 5 1390 Market Street, 6<sup>th</sup> Floor  
 5 San Francisco, California 94102-5408  
 6 Telephone: (415) 554-3901  
 6 Facsimile: (415) 554-3837

7 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 8 HEATHER FONG, IN HER OFFICIAL CAPACITY,  
 AND JESSE SERNA

## 10 UNITED STATES DISTRICT COURT

## 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 GREGORY OLIVER, II,

Case No. C07-02460 JL (MEJ)

13 Plaintiff,

ADMINISTRATIVE MOTION TO  
 EXTEND DATE BY WHICH TO MEET  
 WITH SETTLEMENT JUDGE

14 vs.

15 CITY AND COUNTY OF SAN  
 16 FRANCISCO, a municipal corporation;  
 16 HEATHER FONG, in her capacity as  
 17 Chief of Police for the CITY AND  
 17 COUNTY OF SAN FRANCISCO; JESSE  
 18 SERNA, individually, and in his capacity  
 18 as a police officer for the CITY AND  
 19 COUNTY OF SAN FRANCISCO; and  
 19 San Francisco police officers DOES 1-25,  
 20 inclusive,

Date Action Filed: May 8, 2007  
 Trial Date: None Set

21 Defendants.

1 Pursuant to Local Rule 7-11, defendants file this stipulated motion to continue the date by  
 2 which the parties are to meet with Magistrate Judge James for settlement discussions by 60 days, or  
 3 until April 17, 2008.

4 On October 17, 2007 this Court issued an order referring the case to a Magistrate Judge for a  
 5 settlement conference within 120 days, or by February 17, 2008. [Docket #18.] On October 24,  
 6 2008, Magistrate Judge James issued an order setting the conference for January 11, 2008. [Docket  
 7 #19.]

8 The parties request an additional 60 days to gather additional information to increase the  
 9 likelihood that meaningful discussions can take place at the conference. Defendants' counsel, Ron  
 10 Flynn, spoke with plaintiff's counsel, Ben Nisenbaum on Friday December 21, 2007 and the two  
 11 agreed to seek the extension. Both Mr. Flynn and Mr. Nisenbaum just completed federal trials and  
 12 need the additional time to gather information.

13 Accordingly, the parties request that the Court extend the deadline by which the parties are to  
 14 meet with the Magistrate Judge by 60 days, or until April 17, 2008.

16 Dated: December 24, 2007

17 DENNIS J. HERRERA  
 18 City Attorney  
 19 JOANNE HOEPER  
 20 Chief Trial Deputy  
 RONALD P. FLYNN  
 21 Deputy City Attorney

22 -/s/- Ronald P. Flynn  
 23 By: \_\_\_\_\_  
 24 RONALD P. FLYNN

25 Attorneys for Defendants  
 26 CITY AND COUNTY OF SAN FRANCISCO,  
 27 HEATHER FONG, IN HER OFFICIAL CAPACITY,  
 28 AND JESSE SERNA

1 DECLARATION OF RONALD P. FLYNN  
23 I, Ronald P. Flynn, declare as follows:  
45 1. I am a Deputy City Attorney for the City and County of San Francisco and one of the  
6 attorneys of record for the defendants. I am licensed to practice law in the state of California and  
before this Court. Except where noted, the following is within my personal knowledge and, if  
called, I could and would testify competently with respect thereto.  
78 2. On December 21, 2007, I spoke with counsel for plaintiff, Ben Nisenbaum, and we  
agreed to seek this 60-day extension.  
910 I declare under penalty of perjury under the laws of the state of California that the foregoing  
is true and correct. Executed this 24th day of December, 2007, at San Francisco, California.  
1112 \_\_\_\_\_ /s/ - Ronald P. Flynn  
13 Ronald P. Flynn  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **ORDER**  
2  
3  
4

5 Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the deadline for  
6 the parties to meet with Magistrate Judge James for a settlement conference is continued for 60 days,  
7 until April 17, 2007  
8  
9

10 DATED: 12/28/07  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

\_\_\_\_\_  
Hon. James Larson,  
Chief Magistrate Judge, U.S. District